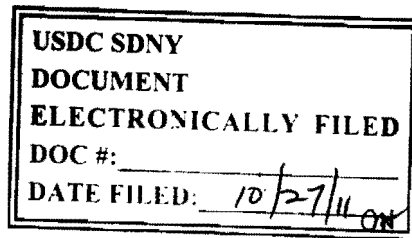




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October 25, 2011

VIA FEDEX

**MEMO ENDORSED**

Honorable Paul A. Engelmayer  
United States District Judge  
U.S. Courthouse  
500 Pearl Street, Courtroom 18C  
New York, NY 10007-1312

Re: Vasquez v. Vitamin Shoppe Industries, Inc.  
Case No. 1:10-cv-08820-PAE

Dear Judge Englemayer:

I write on behalf of plaintiff's counsel, William C. Rand and myself. We have reached a tentative settlement and are in the process of preparing a written settlement agreement to conclude the above case.

If the Court deems necessary, we will certainly appear at the scheduled Status Conference on Friday, November 4, 2011.

Very truly yours,

Terrence H. Murphy/acw

THM/ACW

cc: William Coudert Rand, Esquire  
Jeffrey M. Gottlieb, Esquire

**SO ORDERED:** 10/27/11

**HON. PAUL A. ENGELMAYER  
UNITED STATES DISTRICT JUDGE**

The November 4, 2011 conference is hereby adjourned. If the Court does not receive a proposed stipulated dismissal by December 2, 2011, the Court will contact the parties to reschedule the conference.